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Attorneys for Defendants

UNITED DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

CLAIRE C. HAGGARTY, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

STRYKER ORTHOPAEDICS (aka STRYKER
ORTHOPEDICS; aka STRYKER
ORTHOPEDICS, INC.); HOWMEDICA
OSTEONICS CORPORATION; STRYKER
CORPORATION; and STRYKER SALES
CORPORATION,

Defendants.

Case No: CV-08-01609-JCS

**STIPULATION TO CONSIDER CASES
RELATED**

Judge: Hon. Joseph C. Spero

STIPULATION

WHEREAS, this case ("Haggarty"), which was filed on March 25, 2008, alleges that Defendants Stryker Orthopaedics; Howmedica Osteonics Corporation; Stryker Corporation; and Stryker Sales Corporation (collectively the "Stryker Defendants"), violated California Business & Professions Code section 16700 et seq. (the "Cartwright Act") and California Business &

Professions Code section 17200 ("Section 17200") by purportedly engaging in a kickback scheme with doctors and/or hospitals in order to promote the use of the Stryker Defendants' products in hip and knee replacement surgeries;

WHEREAS, *Goldene Somerville, et al. v. Stryker Orthopedics, et al.*, Case No. 08-cv-02443-HRL ("Somerville"), which was filed in the San Jose Division of the United States District Court for the Northern District of California on May 13, 2008, makes essentially the same allegations as Haggarty;

WHEREAS, Haggarty and Somerville both seek to represent "All individuals who are, or at the relevant time were, residents of California who either were uninsured or had a private health care insurance policy pursuant to which they paid a percentage of the total costs of surgical procedures, and who had hip or knee implant surgery during the Class period that involved the use of Stryker products;"

Plaintiff Haggarty, Plaintiff Somerville, and the Stryker Defendants, by and through their counsel, hereby stipulate as follows:

1. This action, Case No. 08-cv-01609-JCS, and *Goldene Somerville, et al. v. Stryker Orthopedics, et al.*, Case No. 08-cv-02443-HRL, are related; and

2. *Goldene Somerville, et al. v. Stryker Orthopedics, et al.*, Case No. 08-cv-02443-HRL, the later-filed case, should be reassigned to the Honorable Judge Spero pursuant to Local Rule 3-12(f)(3).

DATED: May 21, 2008

COTCHETT PITRE & MCCARTHY

By: /s/ Frank M. Pitre
FRANK M. PITRE

Attorneys for Plaintiff Haggarty

DATED: May 21, 2008

KABATECK BROWN KELLNER LLP

By: /s/ Richard L. Kellner
RICHARD L. KELLNER

Attorneys for Plaintiff Somerville

1 DATED: May 21, 2008

KASOWITZ BENSON TORRES & FRIEDMAN LLP

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3 By: /s/ William M. Goodman
WILLIAM M. GOODMAN

4 Attorneys for Defendants

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6 I hereby attest that I have on file all holograph signatures for any signatures indicated by
7 a "conformed" signature (/S/) within this efiled document.

8
9 DATED: May 21, 2008

KASOWITZ BENSON TORRES & FRIEDMAN LLP

10 By: /s/ William M. Goodman
11 WILLIAM M. GOODMAN

12 Attorneys for Defendants